IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.8615 OF 2002

Between:

Nellore Wood Complex Timber Merchants
And Saw Mill Owners Association, rep. by
its Secretary, P.Praveen Kumar.

.... PETITIONER

AND

The APIIC Limited, Parisram Bhavan,
Basheerbagh, Hyderabad, rep. by
Its Vice Chairman & Managing Director,
And others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE
C.Y.SOMAYAJULU

WRIT PETITION NO.8615 OF 2002

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The action of the respondents in trying to alienate the plots for setting up trade/industrial units, which are not wood industries, is questioned in this writ petition.

2. The case of the petitioner, which is a society, is that its members who were carrying on business in wood and wood products elsewhere, had on the promise made by the respondent that all the wood industries would be located at one place, given up their businesses at other places and came and settled in the 'wood complex' constructed by the first respondent, but the first respondent subsequently changed its policy and permitted occupation of the area by other traders, though the complex is originally meant only for timber dealers and dealers in wood products, and so, it had filed W.P.No.2835 of 2002 questioning the change in policy of the respondents and after coming to know that the respondent is transferring the land in the wood complex to other traders, petitioner is obliged to file this petition questioning the alienation of the plots to the traders other than dealers in wood and wood products.

3. In the counter affidavit filed by the Manager (Law) of the first respondent on behalf of Respondent Nos.1 to 3, it is stated that the

allegation that the first respondent executed sale deeds in favour of allottees of plots even before the units were set up is not correct, and that notices to four allottees, who have set up units other than wood based units in Wood Complex, were issued, and that no applications for allotment of plots in the said Complex are pending and if applications in the prescribed proforma with necessary fees, in accordance with APIIC Allotment Regulations are received for allotment of plots in Wood Complex, they would be considered subject to the Allotment Regulations and availability of the plots, and as a direction was already given by this Court to the Respondent No.4 not to issue provisional SSI Certificate in respect of other than wood based industries in Wood Complex, Nellore, petitioner is not entitled to any relief.

4. As the validity of the order permitting units other than wood based units in the 'Wood Complex' is questioned in W.P.No.2835 of 2002, and as the petitioner obtained stay of operation of that order and as the deponent to the counter-affidavit filed on behalf of the respondent stated that no registration of lands are made and that applications for setting up of wood industries would be considered subject to rules and the availability of plots, recording the assurance in the counter-affidavit filed on behalf of respondents, this writ petition can be disposed of.

5. Therefore, recording the undertaking given by the respondents in the counter-affidavit filed in the writ petition, the writ petition is disposed of. No costs.

JUSTICE C.Y.SOMAYAJULU

1ST OCTOBER, 2007

PGS

THE HONOURABLE SRI JUSTICE
C.Y.SOMAYAJULU

W.P.NO.8615 OF 2002

1st OCTOBER, 2007